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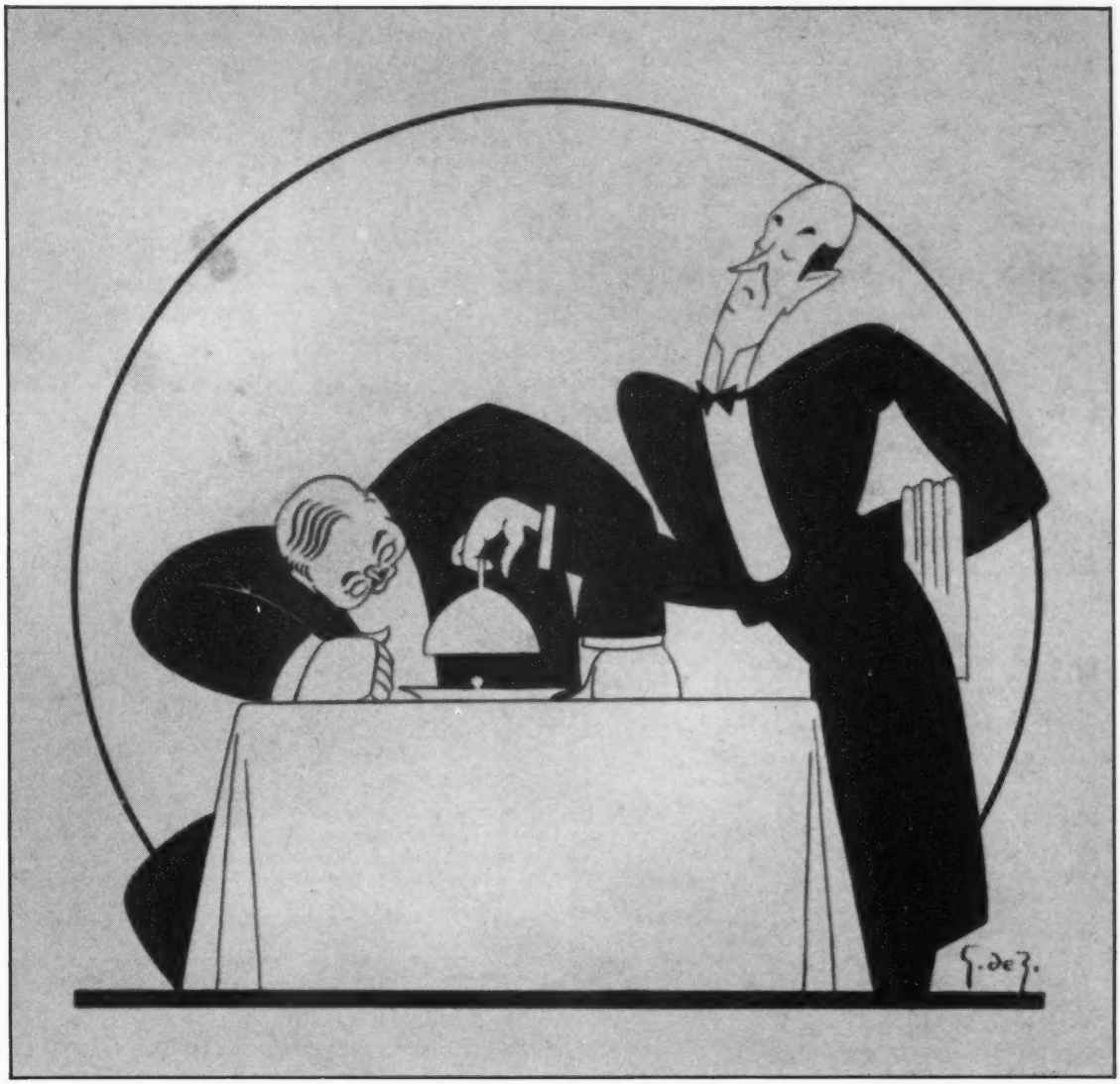

Artists Draw the '20s:
Illustrations from *The Forum*

Library of Congress

INFORMATION BULLETIN

JAMES H. BILLINGTON
Librarian of Congress

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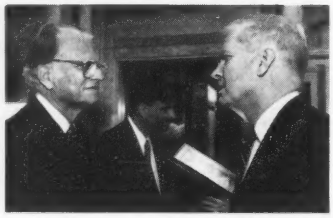

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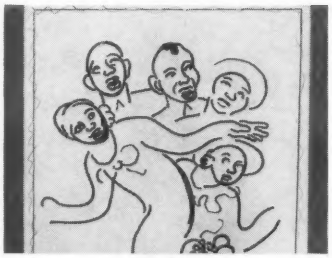

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On the Cover: It's not an illustration for a new starvation diet, though it could as easily be used today as it was back in 1930, when George de Zayas made this drawing for *The Forum* magazine. The work was commissioned as a humorous illustration for Dr. Logan Clendening's article "Common Sense in Eating."

Cover Story: During its heydey in the 1920s, *The Forum* was a most influential publication that was also noteworthy for its graphics, drawn by some of the best illustrators of the day. The magazine folded in 1950, but an exhibition at the Library re-creates the spirit of this thought-provoking publication. 99

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GUY LAMOLINARA, Editor
LUCY D. SUDDRETH, Editorial Assistant
MALINDA B. NEALE, PEGGY F. PIXLEY, SHERYLE O. SHEARS, Composing

Library staffers at the ALA Midwinter Meeting offered visitors a look at some of LC's newest offerings (from left): a film about the Vatican Library exhibition and a demonstration of the exhibition on-line and of the LC News Service. *Photo by Chris Berrafato*

Library Makes a Big Showing:
New Projects Featured at ALA Midwinter Booth

The Library of Congress made its most prominent showing ever at the American Library Association (ALA) Midwinter Meeting in Denver Jan. 22-28.

This time, in addition to showcasing the Center for the Book, the Cataloging Distribution Service, the American Memory Project and ACCESS, a touch-screen interface to the on-line card catalog, Library staffers were on hand to make visitors to the courtesy booth aware of new offerings too:

☐ A film documentary, "Guardian of Memory: The Renaissance and Its Library," on LC's Vatican Library exhibition, "Rome Reborn," was running on a monitor. The film is a one-hour television special that aired on the Mind Extension University, a 24-hour cable channel of Jones International Ltd.;

☐ A demonstration of an on-line version on Internet of "Rome Reborn" that includes text as well as color images of some of the items on display; and

☐ Demonstrations of the Library of Congress News Service, which gives users on-line access to LC information, including exhibits, concerts, hours of operation, programs and job openings, 24 hours a day.

Visitors were clearly excited at the prospect of being able to "view" an exhibit at the Library without having to come to Washington. In addition to "Rome Reborn," also available on-line is an exhibit of once-secret documents from the Russian Archives that were exhibited at LC last year.

The members of the library community met under a cloud of controversy in the wake of Colorado's passage of Amendment 2, which bans local governments from prohibiting discrimination in jobs and housing based on sexual orientation. Boulder, Aspen and Denver have laws on their books prohibiting such discrimination. Paid registration was running slightly ahead of last year's Midwinter Meeting in San Antonio, despite some talk of a boycott by attendees.

But ALA decided that, since it was too late to cancel this year's meeting, which had been scheduled years in advance, it would make its disapproval known by not holding its 1998 Midwinter Meeting in Denver, as had been planned. A new site will be selected and the association "will not consider Denver as a future conference site until such time as Amendment 2 is overturned by the courts or repealed by the voters."

A "Rally Against Colorado Amendment 2" was held Jan. 25. Nearly 200 ALA members assembled on the steps of the state capitol. "The

American Library Association has a long tradition of supporting equal rights and intellectual freedom," said ALA President Marilyn Miller. "And we feel the existence of Amendment 2 threatens both—in Colorado and perhaps in other parts of the country in the form of copycat legislation."

As always, ALA offered a President's Program with a provocative guest speaker. The keynoter was Paul Saffo, a researcher for the Institute of the Future. "The Electronic Piñata" was an apt title for a discussion of the myriad possibilities that today's technologies offer libraries, but that are often inaccessible due to budgetary and other constraints.

According to Mr. Saffo, "The consumption of paper has grown at a rate greater than the increase in the gross national product," but the availability of new technologies has grown even faster.

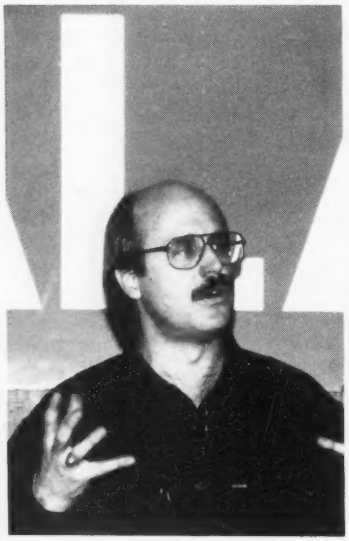
The difficulty in making use of new technologies is a problem that has plagued humans for centuries—at least as far back as the invention of movable type by Gutenberg in 1450. During the next 40 years, "there was a period of wild-eyed experimentation, trying to figure out what the heck you can do with this stuff."

Today, the learning curve still exists. "Technology itself does not drive change," said Mr. Saffo. "It is our response to technology that makes change. The rate of 'technology diffusion' is about as slow today as it was in the 1500s—about 30 years."

One technology that is heavily used is a data base linkup, such as Internet, whose use is growing at a rate of 15 percent a month, Mr. Saffo said.

"It is the biggest free lunch in history," he concluded. "Use it as much as you can—before it's taxed."

—*Guy Lamolinara*



Keynoter Paul Saffo

A rush to the phones followed the announcement of the 1993 Caldecott and Newbery Medal winners. Members of the Newbery Medal judging committee (above) notify on Jan. 25 one of the winners of this year's awards for outstanding children's literature. The Newbery and Caldecott medals, considered the most prestigious awards in children's literature, are awarded by the American Library Association for outstanding writing and illustration of children's books. The awards are announced during the ALA Midwinter Meeting and presented at the Annual Meeting in June; ALA President Marilyn Miller (center) is joined by President-elect Hardy Franklin and Nancy Schwartz of the H.W. Wilson Co. for the opening ceremony of the ALA exhibits. *Photos courtesy ALA*

Members of Congress Make Return Visits to LC

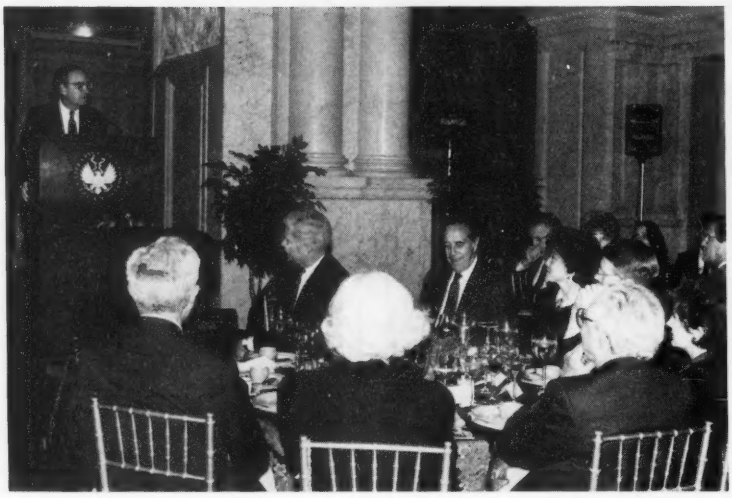
An informal breakfast on Inaugural morning hosted by the Librarian brought a large number of guests—members, their families and friends—to the Jefferson Building to see the renovated Great Hall as well as the Vatican Library exhibition before going across the street for the inauguration of President Clinton.

Guests also had an opportunity to view the Main Reading Room and the recently restored Members' Room (originally the House Reading Room when the Library opened in 1897, and the "front office" for the Congressional Research Service during the 1950s, '60s and '70s).

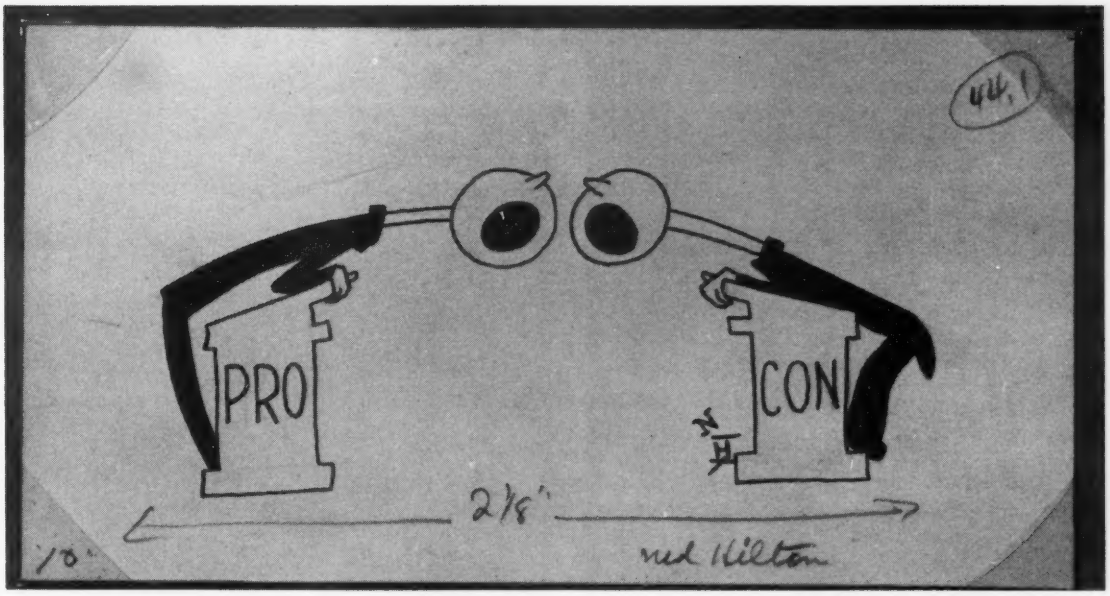
Nearly one-third of the Senate turned out for a second event, on Feb. 4: a dinner in the Great Hall cosponsored by the Library and the bipartisan Senate leadership to honor new members of that body. The dinner was partially funded by a generous gift from Marshall Coyne.

Following remarks by Dr. Billington, Sen. Minority Leader Robert Dole of Kansas and Senate Majority Leader George Mitchell of Maine, many senators stayed for a special tour of "Rome Reborn" led by exhibition project director Declan Murphy.

Rep. Constance Morella (R-Md.) (above) makes a point to (from left) acting Deputy Librarian of Congress Daniel Mulhollan, Senate staffer Mike Nelson and another guest; Marshall Coyne (top left), greets Sen. Harry Reid (D-Nev.) and his wife, Landra; Sen. Jeff Bingaman (D-N.M.) (lower left) and Sen. Alan Simpson (R-Wyo.) talk with the Librarian; Susan Horsey chats with former Rep. Les Aspin (D-Wis.), confirmed that day as the new secretary of defense. *Photos by Helen Dalrymple and Jim Higgins* (additional photos on page 98)



Declan Murphy (top left) discusses the large map of Rome in the Vatican Library exhibition with (from left) Sen. Howard Metzenbaum (D-Ohio), Sen. and Mrs. Charles Robb (D-Va.) and Sen. Orrin Hatch (R-Utah); Dr. Billington (middle) and the Reverend Billy Graham in the Vatican exhibition; Sen. George Mitchell (bottom) delivers brief remarks at the dinner for the Senate as (from left) the Librarian, Minority Leader Robert Dole of Kansas and his wife, Elizabeth, listen; Rep. John J. LaFalce (D-N.Y.) (below, second from right) and his family visit the Main Reading Room, along with Clifton Maloney, husband of new member Carolyn Maloney (D-N.Y.). *Photos by Jim Higgins and Helen Dalrymple*



From Window 6: Ned Hilton's 1928 illustration for "Our Rostrum," where *The Forum* published letters to the editor. *All illustrations from Prints and Photographs Division*

A 'Forum' for Controversy:

Exhibition Highlights Illustrations from Magazine of Early 20th Century

by Guy Lamolinara

Among its 60,000 readers, *The Forum* was one of the most influential magazines of the early 20th century.

Many people today have never heard of the publication, but "Artists Draw the Twenties: Illustrations from *The Forum*," an exhibition in the Library's Oval Gallery, provides viewers with an understanding of a magazine that reflected a time with striking parallels to the present.

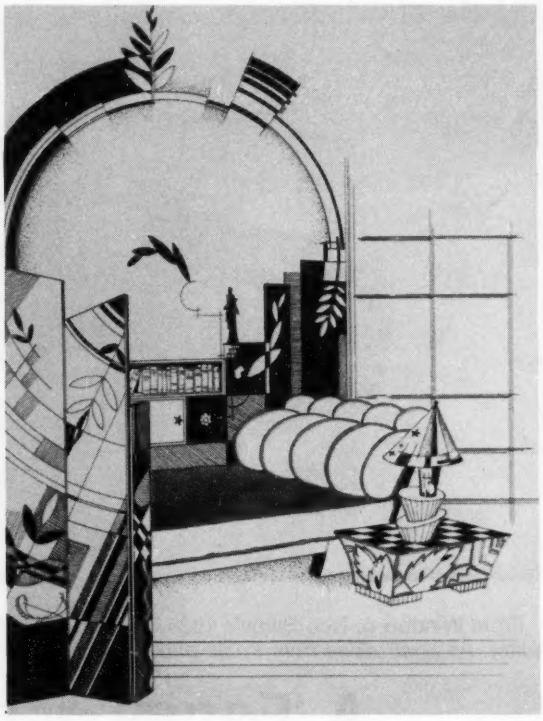
"Most people would look at *The Forum* and see it as a fairly dry magazine, but once you look a little harder and read the content, you realize what an amazing time the 1920s was. In some ways the '20s were very similar to our own time," said Harry Katz, curator of popular and applied graphic art in the Prints and Photographs Division and curator of the exhibition. "The '20s were a time of astounding changes in technology, as we have today. It was a time of deep concerns over the *beginning* of the Soviet Empire, and now we have deep concerns over the *fall* of the empire and its aftermath."

The Forum billed itself as a "magazine of controversy" and encouraged debate on political, social and economic the issues of the day. It took no stands on those issues; rather it printed opposing points of view, leaving it to its readers to decide which essay was more persuasive.

The 1920s was a decade of many paradoxes. "You had the Harlem renaissance and you had the Ku Klux Klan running rampant in the South. You had the 'red scare' in America at the same time you had the beginning of the communist experiment in Russia—all these issues at the same time, and *The Forum* was the one magazine that dealt with these issues head-on.

"They had debates on birth control, on racism, on music," Mr. Katz added. "Was jazz music? To us it's unbelievable that someone would even ask such a question, but back then some people argued it was just a passing fad."

It is this debate over the validity of jazz that forms the basis of the exhibition's design. Kendall Christian of the Interpretive Programs Office decided to hang the drawings against a reproduction of an oversized book whose pages are open to this musical debate. "So the design itself is a forum," said Mr. Christian.



From Windows 1 and 2: Mary Cecil Allen, illustration for unidentified text, undated; John Melching's 1929 illustration for "Mad Houses"

"You have one side of the exhibit saying jazz is music and one side saying it isn't. The copy comes straight from the pages of *The Forum*."

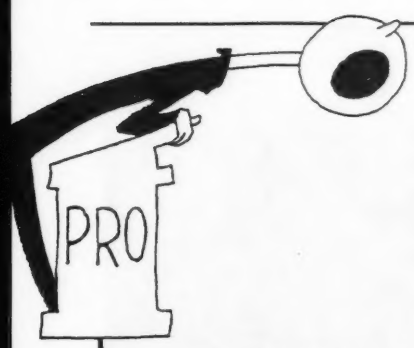
The Forum "was very definitely for people who enjoyed the process of debate, people who wanted to know about both sides of an issue," said Mr. Katz. For example, the magazine "would pit a scientist vs. a fundamentalist during the Scopes trial or they would pit the head of the Ku Klux Klan against a civil rights activist.

From 1924 to 1932, the magazine reached its peak of influence and circulation: about 60,000 readers. At the same time it also became a forum for some of the best graphic art of the day. Under the editorship of Henry Goddard Leach, artists were commissioned to produce illustrations to accompany the essays. Prior to that time, the format of the magazine, founded in 1886, "was boring," according to Mr. Katz. "The cover was boring, there were no photos, just text. You had to slog your way through. But when Leach took over he changed all that. He began slowly to add illustrations."

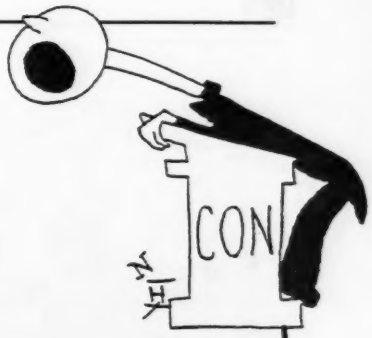
"This is the time when *Life* had brightly colored covers and color printing technology was changing the publishing world," he continued. "Within three years Leach lifted circulation from 2,000 to 60,000—a considerable jump. A large part of that success was due to his bringing in the wonderful illustrations."

Much of that art, about 550 original drawings, is now in the Library's collections, purchased with support from LC's Swann Fund for Cartoons and Caricatures. But before the drawings would become part of the Library's collections they would take a cross-country journey. An antiques dealer in New England for years was selling them from a bin for $5 or $10. (How he came to have the drawings is not known.) The store owner eventually decided to sell the unsold drawings at auction, and they were bought by David Margolis, a bookseller based in Santa Fe, N.M. Then, "a colleague of ours from another institution referred us to the dealer, and we purchased the collection in the summer of 1992. There are gaps in the collection because some of the items were already sold," said Mr. Katz.

The style of the 33 original drawings in the exhibition range from traditional to modern. According to the exhibition notes, while the draw-



'Is Cubism Pure Art?'



You ask me whether Cubism is pure Art.

But tell me please what is Art?

When I made the portrait of the Senator he told me Art must be photographic.

But tell me please what is Art?

After all why bother the tired heads of brave citizens with high brow questions? I suppose they would be much happier to know how much a man is worth who manufactures chewing gum.

—Alexander Archipenko, sculptor
The Forum, June 1925

I see abundant ability and tenacity among the Cubists, and regret that it moves me in a field of experience as recondite and illegible as it is to me unvaluable. In the sense of being very well and coherently made, their constructions are art, but not pure art—rather emotionally impoverished art, art starved of nature's nurture, overcerebrated art, deeply tainted with immodesty and fanaticism.

—Frank Jewett Mather Jr., art critic
The Forum, July 1925

Window 1. Thomas Handforth, Mary Cecil Allen and Earl Horter all made lasting impressions as artists or educators. "Thomas Handforth traveled the world and specialized in Asian subjects," said Mr. Katz. Earl Horter would be recognizable to anyone who studied the development of modern art in Philadelphia. He had one of the major modern art collections of the early 20th century. He was also a painter himself.

"Mary Cecil Allen was an influential writer and lecturer on modern art," Mr. Katz said. During the 1920s, modern art in America was taking a backseat to regional art and more traditional styles such as social realism. Appropriately, this window presents a *Forum* debate between modern sculptor Alexander Archipenko and conservative art critic Frank Jewett Mather Jr. of Princeton University on whether cubism is "pure art."

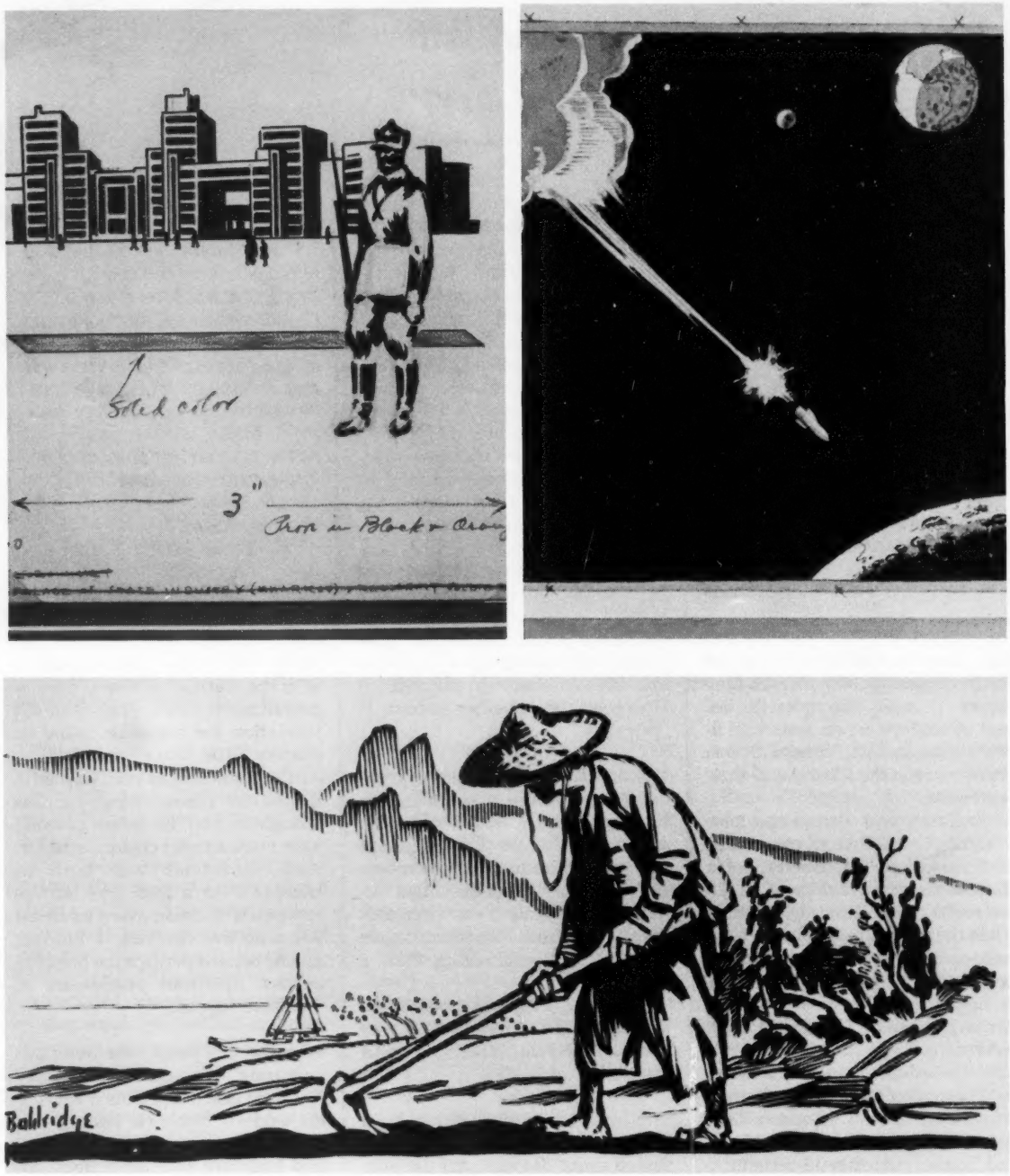
Window 2. John Melching developed a spare deco style, as seen in his illustration for "Mad Houses," an article by Thomas Craven about modern architecture, whose rooms are "the most impersonal and dehumanized that have ever been contrived," he wrote. "As places to live in they are less inviting than a laboratory."

Almost nothing is known about Melcher today except that he was born in Leipzig, Germany, and traveled extensively.

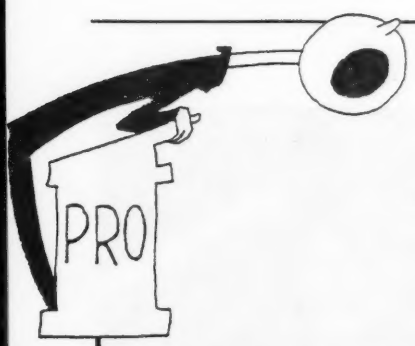
Window 3. A series of illustrations by Louis Lozowick was commissioned about 10 years after the Russian Revolution. *The Forum* over the years had published many articles on the conditions in the Soviet Union in the aftermath of the revolution. Americans were fascinated with the creation of a new form of government. Seven years after the revolution the magazine asked its readers "Was Lenin a failure?"

"The series reflects everyday life in the Soviet Union. Lozowick was brought in, and the editors couldn't have made a better choice," said Mr. Katz. Lozowick was born in Ukraine. "For a brief time he was exposed to Russian avant garde art when he was studying in Europe, and he became perhaps the most important American practitioner of 'Machine Age art.'"

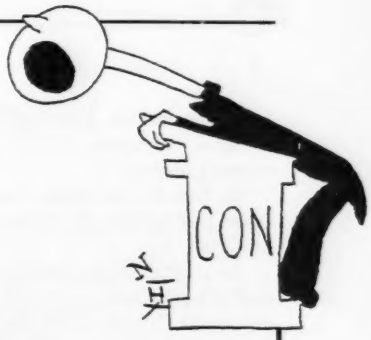
Window 4. "'Send your mind adventuring'" was something Henry Goddard Leach urged his readers to do, said Mr. Katz. He himself was a scholar of Scandinavian language and literature and had a deep appreciation for the contributions of the world's great civilizations. Leach's 1925 statement is particularly prescient in view of America's



From Window 3 (top left): Louis Lozowick's 1930 illustration "Palace of State Industry" for "The Engineer: These Russians"; Window 4 (bottom): Cecil Leroy Baldridge's 1924 illustration for "Beauty in China"; Window 5: Thomas Benrimo's 1930 illustration for "Rocket Ships and a Visit to Mars"



'Was Lenin A Failure?'



Lenin never presented a new theory, a new ideology, or a new idea. All his books, articles, and speeches were nothing but a dull, monotonous repetition of four or five ideas of Marx and two or three other authors.

Philosophic and economic materialism; rude atheism; class struggle; dictatorship of the proletariat; blind belief in the revolutionary method of social reconstruction, in the usefulness of forcible nationalization or communisation of production; belief in compulsory equalization of economic standards; finally a naive conviction that the spontaneous development of capitalism would lead to a socialistic paradise on the earth; that the hatred and bloody struggle but not the altruism, mutual aid, and cooperation of the individuals and classes are the real creative forces—such were the principal ingredients in Lenin's ideology.

Is this ideology original? No. Can his mentality be styled as a rich one? On the contrary it is very poor. It is the ideology of an intellectual beggar.

—Professor Pitirim Sorokin
The Forum, April 1924

No public man of our time has made such a gift to human progress as Lenin. No man has been so increasingly loved by so many millions of people. No man has attained such triumphant success, whether measured by actual achievement at the time of his death or by promise of growing results for the future. . . .

Therefore, from Petrograd to Vladivostok, Lenin is mourned today more affectionately and widely than any man was ever mourned. The peasants know him as "our Ilytch who gave us the land"; the city workers know him as the comrade who gave them the reins of government and industry; the non-communist patriots within Russia know him as the careful planner who brought them through wars which the whole world launched against them and set them free from foreign economic dominion which had begun already in the days of the Czar. And down through the primitive yet ancient peoples of Asia he is hailed almost as a Messiah, who first set the barriers to hitherto triumphant imperialism, and opened a new page in the relations of Asia and Europe.

—Anna Louise Strong, Ph.D.
The Forum, July 1924

recent examination of Columbus's landfall in 1492:

"Credit is long overdue the ancient Amerindians," Leach wrote. "The Age of Gunpowder appreciated only their jewels and golden ornaments and tribute of fine cotton. . . . But . . . we owe to them a very material contribution, the cultivation of the common staples of our daily diet. Our vaunted Nordic culture knew nothing [of these foods] until we received them at the hands of the Amerindian races . . . and not from Mother Nature!"

Leach also wanted his readers to examine the "Beauty in China" in a piece by Pearl Buck, who is best known as author of *The Good Earth*. The essay was illustrated by Cecil Leroy Baldridge, who traveled throughout his life, beginning his career as an artist for the Army newspaper *Stars and Stripes*.

Window 5. In 1926, Professor Robert Goddard launched the first liquid-propelled rocket. Four years later, Professor John Q. Stewart of Princeton predicted manned spaceflights to the moon. *The Forum* got into the debate over the value of space exploration in "Rocket Ships and a Visit to Mars," illustrated by Thomas Benrimo. "Benrimo was considered one of the avant garde artists of the period," said Mr. Katz. "He eventually gave up his career as an illustrator to devote himself to abstract art."

Window 6. "The 1920s was the golden age of cartooning. *Life, Vanity Fair*—all had great caricatures. Henry Goddard Leach used them to some extent in *The Forum*. He thought of them as a relaxing point for the reader, a visual interlude between the great debates. Readers would turn the page and there would be something that would relieve their mind before getting to the next hard issue," said Mr. Katz.

George de Zayas's illustration (see cover) provided a humorous respite from the drudgery of exercising "Common Sense in Eating," written by an M.D., in 1930.

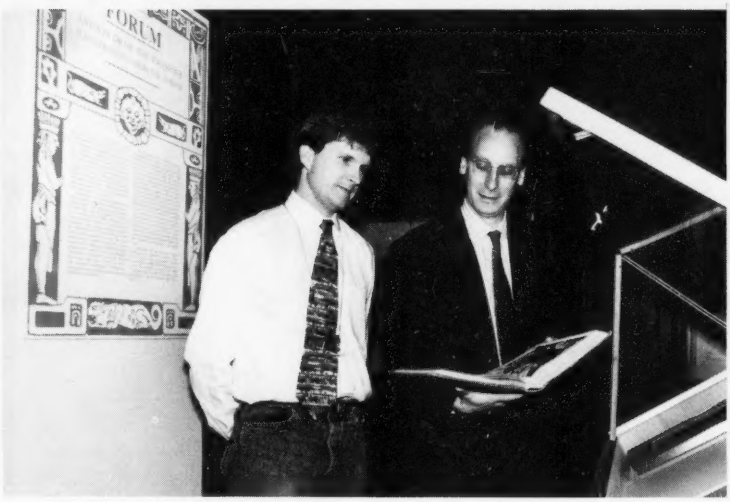
The last year covered by the exhibition, 1931, marked the end of a prosperous era for *The Forum*. By 1932, the magazine's quality had begun to decline. The Great Depression hit hard, and *The Forum* "lost a lot of its punch," according to Mr. Katz. "And instead of hiring new artists to create new drawings, they

began to recycle some of the old images, because there wasn't enough money."

The Forum's circulation had been cut in half by 1935. By 1950 it ceased publication.

The spirit of its provocative essays and the pungency of its art are recaptured in "Artists Draw the Twenties: Illustrations from *The Forum.*"

This exhibition is on view Monday through Friday, 8:30 a.m. to 5 p.m., in the Oval Gallery, sixth floor, Madison Building, through April 11.



Exhibition designer Kendall Christian (left) and curator Harry Katz discuss one of the items in "Illustrations from *The Forum.*"

Other Exhibitions on View at the Library

☐ **"Rome Reborn: The Vatican Library and Renaissance Culture,"** an exhibition of 200 items from the Vatican Library, most of which have never been seen by the public, through April 30, second floor, Jefferson Building. Hours are Monday–Saturday 9 a.m.–5 p.m. and Sunday 1–5 p.m.

NOTE: Tickets for "Rome Reborn" are required on weekends and are available for pickup in the Jefferson Building during weekend hours of the exhibition only. Tickets are free and are distributed on a first-come, first-served basis.

☐ **"An Uplifting Tradition: Graduates of Historically Black Colleges,"** a celebratory display, has been mounted on the sixth floor of the Library's Madison Building in recognition of African American History Month. Hours are Monday–Friday 8:30 a.m.–5 p.m.

☐ **"By Securing to Authors: Copyright, Commerce and Creativity in America.** The exhibition features a wide range of items continually copyrighted in America. The items are on display to the public along the fourth floor corridors, Madison Building, from 8:30 a.m. to 5 p.m., weekdays only.

☐ **"An Ethnic at Large: Jerre Mangione and the Federal Writers' Project, 1935–1942."** Jerre Mangione, as coordinating editor for the WPA's Federal Writers' Project, was largely responsible for publishing hundreds of works on American life that have since become rare collector's items and classics. He is author of the recently released *La Storia: Five Centuries of the Italian American Experience.* Among the 45 items on display are a number of Mr. Mangione's other books, photographs and manuscript material. The exhibition is in the Mumford Foyer, sixth floor, Madison Building, through April 18. Call (202) 707–5223.

☐ **"Landsat: Monitoring Earth's Environment."** The Library's Geography and Map Division has opened this select display along the corridor by the division's main entrance, B-Level, Madison Building. The exhibition contains 40 satellite images of Earth that commemorate the 20th anniversary of the American Landsat program. The computer-generated images on display provide scientists with unique data for terrain analysis, crop assessment, mineral exploration, disaster assessment and relief, habitat preservation, forestry management and archaeological investigations. The exhibition will be on view through June 20. Call (202) 707–8530 for further details.

☐ **"Operation Restore Hope"** is a small display of maps related to the current crisis in Somalia. Current Events Gallery, Madison Building, to run indefinitely.

Exhibition hours: The Madison Gallery, Madison Foyer and Current Events Gallery exhibition areas are open to the public Monday through Friday from 8:30 a.m. to 9:30 p.m. and Saturday and Sunday, 8:30 a.m.–6 p.m. All other exhibition areas are open Monday through Friday, 8:30 a.m.–5 p.m., unless otherwise noted. For additional information on visiting the Library, call (202) 707–8000.

NOTE: The C Street door of the Madison Building closes to the public after 5 p.m. weekdays.

Justice Thurgood Marshall:
A Short List of References

In the Feb. 22 issue, the LC Information Bulletin *published a story on the Library's Thurgood Marshall Collection, in recognition of African American History Month. Marshall's recent death may inspire some to explore his legacy to the nation. Following are some suggestions:*

Bland, Randall Walton.
Private pressure on public law : the legal career of Justice Thurgood Marshall. – Port Washington, N.Y. : Kennikat Press, 1973. – 206 p. KF8745.M34 B55

Brown v. Board of Education and its legacy : a tribute to Justice Thurgood Marshall. – In Fordham law review. – Vol. 61 (Oct. 1992) ; p. 1–104. Law

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[KF8745.M34 D38 1992]
Not yet in LC

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Compiled by Marguerite Bloxom in consultation with Betty Culpepper and Ardie Myers, Humanities and Social Sciences Division.

Somali TV Programs Presented to LC

"Somali Television" is now part of the Library's outstanding holdings of materials relating to the northeast African country.

On Jan. 14, Ali M. Mohamed Aden, executive producer, and Mumin A. Barre, director and host, gave the Library a videocassette of the television program. Cooper Graham of the Motion Picture, Broadcasting and Recorded Sound Division; Beverly Gray of the African and Middle Eastern Division; Donald Panzera of the Exchange and Gift Division; and Paul Spehr of Motion Picture attended the presentation.

The half-hour weekly program, which features Somali current events and the arts, is directed at the Somali community in the Washington area. The Somali-language broadcast is shown at 8 p.m. Saturday on WNVC-TV, Channel 56, Fairfax, Va. Mr. Aden and Mr. Barre promised to provide the Library with a complete set of "Somali Television" videocassettes, beginning with its Feb. 1, 1992, launching.

Following the presentation, Ms. Gray escorted Mr. Aden and Mr. Barre to view "Somalia: Operation Restore Hope," a small display of maps at the Library.

The display is on view in the Current Events Gallery, Madison Building.

At the presentation of the "Somali Television" programs were (from left): Beverly Gray, Donald Panzera, Mumin Barre, Ali Aden, Paul Spehr and Cooper Graham; Ms. Gray escorts Mr. Mumin and Mr. Barre at "Operation Restore Hope." *Photos by Jim Higgins*

LC News Service Available On-Line

As previously reported in the Oct. 5 issue, the Library of Congress is now making available an on-line news service. The Library of Congress News Service is a new source for information about the Library—its programs, exhibits, activities, hours of operation and job openings.

The News Service will also enable users to get edited versions of stories and announcements from the LC *Information Bulletin* approximately two weeks before they appear in print.

The News Service, will **not,** however, provide access to the Library's bibliographic data bases, nor will other Library services be available through the News Service.

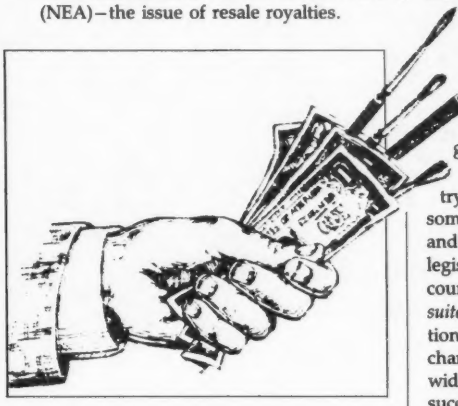
The service is available free of charge to anyone having a personal computer and modem. The telephone number for accessing the service 24 hours a day is (202) 707-3854.

For more information or a brochure on the service, call Guy Lamolinara, Editor, LC News Service, at (202) 707-9217 or write Library of Congress Public Affairs Office, Washington, DC 20540-8610.

Copyright Office Issues Resale Royalty Report

Register of Copyrights Ralph Oman issued a report to Congress on Dec. 1 on the feasibility of implementing a resale royalty on the sale of works of visual art. The report did not recommend such a right at this time.

"Droit De Suite: The Artist's Resale Royalty" is the result of the office's investigation, as mandated by 608(b) of the Visual Artist Rights Act of 1990. That act, which went into effect on June 1, 1991, gave visual artists certain moral rights of attribution and integrity but set aside for study by the Copyright Office—in consultation with the National Endowment of the Arts (NEA)—the issue of resale royalties.



The *droit de suite*—the right of an artist to collect a part of the price paid when a work is resold—is based on the premise that visual artists are entitled to participate in an increase in the value of their works in ways that are not otherwise adequately addressed by copyright. Unlike the authors of books or musical works, who benefit from royalties each time their works are sold, the author of a visual work usually creates only one copy, and any increase in its value does not benefit the author after the first sale.

In addition to contacting suggested arts organizations, whose names were supplied by the NEA, the office conducted two public hearings, one in New York and the other in San Francisco, and asked for public comments in a notice of inquiry published in the Federal Register. The office also studied the experience of European nations that have the *droit de suite* and of California, the only state to have enacted a resale royalty law.

Specifically, the office focused its hearings and public inquiry on seven areas in which adopting a federal resale royalty would affect U.S. law and the arts community: the potential effect on creation of new works and the existing art market; the form of, beneficiaries of and term of the right; enforcement and collection mechanisms; whether the right should be waivable and alienable; and whether the California law should be preempted by federal law.

However, as the study states, "the Office did not conduct an independent empirical study, and the administrative record contains insufficient empirical evidence comparing the respective remuneration of visual artists and other creators. Most commentators espoused the grant of resale royalties, maintaining that visual artists are treated differently than other creators under the copyright law. A vocal minority, including some artists, opposed the grant of resale royalty rights."

In 1920 France became the first country to recognize the *droit de suite*. Today some 36 countries have the resale royalty, and several other countries are considering legislation to enact it. Roughly half of the countries that now purport to have *droit de suite*, however, lack implementing legislation. The level of commitment and the characteristics of the national laws vary widely. One aspect that seems crucial to the success of the resale royalty is the collection of the *droit de suite* through authors' societies. Only those countries with active and efficient national authors' societies, such as Belgium, Germany and France, have effectively implemented the *droit de suite*.

The report noted the difference between the European view, where "authors' rights have evolved around the recognition that intellectual creations, particularly in art, deserve special protection" and the U.S. approach, where "copyright legislation is grounded in the constitutional clause, which motivates creativity, while encouraging the broad public dissemination of works."

The Copyright Office did not find "sufficient economic and copyright policy justification" to establish *droit de suite* at this time in the United States. "Neither the administrative hearing process nor independent research supplied the office with sufficient current empirical data. Therefore, the office could not compare the respective remuneration of authors" who create in many copies with artists who create in limited, or unique, copies. "Any conclusions that we could make about the number of artists who benefit from the resale royalty would be based on anecdotal evidence and limited sample size.

"Most significantly," the report says, "there is no clear evidence indicating the frequency of resale of works of fine art. Thus, even if Congress determines that the Copyright Act does treat fine visual artists in a manner less favorable than authors or composers, it is not clear that the resale royalty right is the best means to offset this disadvantage, particularly if it is not triggered with any frequency within the copyright term."

The report offered several alternatives to the resale royalty that Congress might wish to consider, with the caveat that the office does not necessarily endorse any of the alternative solutions. Among these are a broader public display right (artists lose their right of public display because of the First Sale doctrine in section 109(c), which permits the owner—as opposed to the creator—of a lawfully obtained work to publicly display the work. Since the artist usually creates a unique work, the right of public display is lost when the work is sold, even if the artist retains copyright in the work).

Should Congress decide that *droit de suite* legislation is the best way to help artists, the office offered suggestions for a model system.

The report also noted that "the international community is now focusing on improving artists' rights, including the possibility of harmonization of *droit de suite* within the European Community." Should the European harmonization occur, "Congress may want to take another look at the resale royalty, particularly if the Community decides to extend the royalty to all its member States."

The report is divided into two parts. The first section of 156 pages sets out what the office found in examining and assessing all the available data. The second, the 264-page appendix, contains the transcripts of the two public hearings and the comment letters. A 20-page executive summary is also available.

The report is available for $43 from the Superintendent of Documents, New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954, Stock No. 030-002-00177-2. It may also be ordered by phone (202) 783-3238 or fax (202) 512-2250.

—Ruth Sievers

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